

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

Flagging will interfere on several levels. Most notably, fair use isn't demarcated by the flag scheme, which means that its actual constituents - teachers, librarians, students - won't be able to take full advantage of digital materials for teaching and learning.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? Most likely. I haven't seen a plan, yet, that reliably distinguishes between a user's set of digital devices, and the rest of the internetted world. For instance, transferring files from two spatially removed machines (my home and office) is indistinguishable from Napster-style piracy.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

This is perhaps the clearest objection, and yes. It will take years in advanced areas, and longer elsewhere, for machines to become obsolete and set aside. Digital divide problems will be exacerbated.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?
Not directly, no.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

The R+D and transaction costs of implementing new hardware and software will be surely passed on to customers - i.e., some inflation of prices will occur.

Other Comments:

Speaking as an educator and scholar, the fair use right (cf the 1976 Copyright Act) deserves solid, clear support in DRM. Since it's hard to build software that distinguishes between fair use (and I don't mean any soft-headed, lazy version, I mean the law itself!) and piracy, I fear that the social benefits of fair use will be damaged by DRMs currently in the public eye.